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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,262	11/29/1999	DAVID E. HECKERMAN	1018.045US1	7390

7590 01/02/2002

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EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/450,262

Applicant(s)

HECKERMAN ET AL.

Examiner

DANIEL LASTRA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

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1. Claims 1-20 have been examined

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazarus et al (U.S. 6,134,532).

As per claim 1, Lazarus et al teach:

A computer-implemented method comprising:

selecting an ad to be displayed on a web page as one of a plurality of ads within a current cluster, each of the plurality of ads having a selection probability (see column 26, lines 22-60);

displaying the ad selected on the web page (see column 1, lines 31-37);

detecting activation of the ad displayed (see column 26, lines 22-60); and,

transmitting information to an entity associated with the ad upon detecting activation of the ad displayed (see column 26, lines 22-60).

As per claim 2, Lazarus et al teach:

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The method of claim 1, further comprising displaying a web page associated with the entity associated with the ad (see column 1, lines 31-37).

As per claim 3, Lazarus et al teach:

The method of claim 1, wherein the current cluster is one of a plurality of clusters, the plurality of clusters based on information provided by at least the entity (see column 25, lines 8-15 and column 26, lines 22-60).

As per claim 4, Lazarus et al teach:

The method of claim 1, wherein detecting activation of the ad display comprises detecting clicking on of the ad displayed (see column 26, lines 22-60).

As per claim 5, Lazarus et al teach:

The method of claim 1, wherein transmitting information to the entity associated with the ad comprises transmitting information regarding the current cluster (see column 26, lines 22-60).

As per claim 6, Lazarus et al teach:

The method of claim 1, wherein at least some of the plurality of ads are related to the entity for promoting a brand image of the entity (see column 18, lines 54-67 – column 19, lines 1-8; column 26, lines 22-60).

As per claim 7, Lazarus et al teach:

The method of claim 1, wherein the entity comprises one of: a vendor, an advertiser, an organization, and a business (see column 26, lines 22-60).

As per claim 8, Lazarus et al teach:

A computer-implemented method comprising:

detecting activation of a display message, the display message associated with a current cluster and having a selection probability within the current cluster (see column 26, lines 22-60);

transmitting information to an entity associated with the display message upon detecting activation of the display message, the information comprising information regarding the current cluster (see column 25, lines 9-15; column 26 lines 22-60).

As per claim 9, Lazarus et al teach:

The method of claim 8, wherein the current cluster is one of a plurality of clusters, the plurality of clusters based on information provided by at least the entity (see column 26, lines 22-60).

As per claim 10, Lazarus et al teach:

The method of claim 8, wherein the entity comprises one of: a vendor, an advertiser, an organization, and a business (see column 26, lines 22-60).

Claim 11 is written as a machine-readable medium but contains the same limitation as claim 1, therefore the same rejection is applied.

Claim 12 is written as a machine-readable medium but contains the same limitation as claim 2, therefore the same rejection is applied.

Claim 13 is written as a machine-readable medium but contains the same limitation as claim 3, therefore the same rejection is applied.

Claim 14 is written as a machine-readable medium but contains the same limitation as claim 4, therefore the same rejection is applied.

Claim 15 is written as a machine-readable medium but contains the same limitation as claim 5, therefore the same rejection is applied.

Claim 16 is written as a machine-readable medium but contains the same limitation as claim 6, therefore the same rejection is applied.

Claim 17 is written as a machine-readable medium but contains the same limitation as claim 7, therefore the same rejection is applied.

Claim 18 is written as a machine-readable medium but contains the same limitation as claim 8, therefore the same rejection is applied.

Claim 19 is written as a machine-readable medium but contains the same limitation as claim 9, therefore the same rejection is applied.

Claim 20 is written as a machine-readable medium but contains the same limitation as claim 10, therefore the same rejection is applied.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Merriman et al teach a method for targeting the delivery of advertisements over a network such as the Internet.
- Roth et al teach a system for providing advertisements from a central server to viewers who access web sites.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

D. L.

Daniel Lastra

December 29, 2001

Steve Gravini

**STEPHEN GRAVINI
PRIMARY EXAMINER**